



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
Joel Lawson, Associate Director Development Review

DATE: September 17, 2013

SUBJECT: BZA #18619 – 800 New Jersey Avenue, SE

I. RECOMMENDATION

With regards to this proposal to build structured parking at the property line adjacent to a public street, the Office of Planning (OP) recommends **approval** of the following relief:

- § 2116.12 (No above-grade parking within 20 feet of the property line facing public street; Proposed: Two levels of parking adjacent to H Street)

subject to the following condition:

1. Screening of the parking adjacent to H Street shall be substantially similar to and commensurate with the design, details and quality of materials as depicted in the supplementary materials submitted to the record on September 10, 2013, specifically Sheets 6 and 7 of the plan set.

II. LOCATION AND SITE DESCRIPTION

Address	800 New Jersey Avenue, SE
Legal Description	Square 737, Lot 76
Ward and ANC	6, 6D
Lot Characteristics	Flat lot, somewhat rectangular, approximately 400' x 100'
Zoning	C-3-C – High Density Commercial
Existing Development	Vacant
Historic District	None
Adjacent Properties	North – Vacant land and SE/SW Freeway across future H Street South – Park Chelsea apartments (under construction) East – Future phase of development West – Vacant land across New Jersey Avenue
Surrounding Neighborhood Character	Mostly high density mixed use; H Street and I Streets are being constructed between New Jersey Avenue and 2 nd Street. Phase 1 of development in the square is underway south of the subject site and will be an apartment building. Future phases would be constructed on the eastern portion of the square.



III. APPLICATION IN BRIEF

The applicant is constructing a mixed use building at New Jersey Avenue and H Street, SE. The project, part of a complex of buildings on the square between New Jersey Avenue, H, I and 2nd Streets, would have retail on the ground floor and two levels of parking on the second and third floors. The parking would extend to the property line directly adjacent to H Street and would require relief for not meeting the 20 foot setback.



IV. ZONING REQUIREMENT AND VARIANCE ANALYSIS

Section 2116.12 prohibits above-grade parking from being located within 20 feet of any property line abutting a street. In this case the applicant proposes parking, on levels two and three of the building, that would be located immediately adjacent to the H Street right-of-way, and has therefore requested a variance from § 2116.12. In order to be granted a variance, the applicant must show that they meet the three part test described in § 3103:

1. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions?

The property exhibits exceptional conditions. The property is relatively narrow and fronts the Southeast/Southwest Freeway across H Street. There is a small District-owned lot on the north side of H Street, but at only about 20 feet deep, the lot is unlikely to be developed, meaning that the subject site would remain exposed to the freeway.

2. Does the extraordinary or exceptional situation impose a practical difficulty which is unnecessarily burdensome to the applicant?

The exceptional conditions combine to form a practical difficulty for the applicant. Because the property essentially fronts on the freeway, it would be impractical to use the lower floors for residential units. On upper levels residential units can look over the freeway, but on floors two and three residents would have a view primarily of the side of the elevated roadway. Furthermore, even if another use such as office or retail were to go into the setback required by the regulations, the resulting configuration of the parking spaces would be inefficient due to the narrow site.

3. Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?

Granting the requested relief would not impair the public good or the intent of the Zoning Regulations. The regulations were intended to ensure that buildings present an active and attractive face to the public street; The ground floor is the most important, but upper level parking overlooking the street has the potential to negatively impact the public space. In this case, however, the project would have a very active use at ground level, a grocery store, where visual and pedestrian interaction is most important and prominent. Also, the ground floor would be tall compared to a typical ground floor, meaning that the parking would be farther from the sidewalk, minimizing impacts to the pedestrian environment and an observer's perception of the building. On the parking levels, the design proposes screening on the façade of the building that would complement the rest of the architecture of the building and block views of the automobiles and headlights. With the presence of the freeway, opportunities to view this portion of the building from further away would be very limited. Because the design and materials used in the screening are important factors in minimizing the building's impact on pedestrians and street activity, OP recommends that the materials and details of the design be made a condition of approval, as stated at the beginning of this report.

V. HISTORIC PRESERVATION

The subject site is not located in an historic district.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

OP is not aware of written comments from any other District agency at this time. OP has spoken about the application with DDOT, who does not object to the specific variance request but notes that all curb cuts will be subject to review by the Public Space Committee.

VII. COMMUNITY COMMENTS

As of this writing the Office of Planning has received no comments from the ANC or the community.